

From: Joseph J. DiPasquale
Sent: Thursday, August 29, 2013 10:07 AM
To: 'sdonato@bsk.com'
Cc: mcallan@dwpm.com; 'Edward Griffith'; Henry M. Karwowski; 'jzagraniczny@bsk.com'
Subject: Biolitec

Steve,

It has come to our attention that ADI is falsely asserting to consumers of medical lasers and fiber optics that (i) "biolitec lasers and fibers will no longer be legally marketed in the US"; and (ii) former customers of the Debtor have no choice but to start purchasing ADI's products. Those assertion are false and they constitute deceptive and unfair business practices.

The Non-Debtor Affiliates demand that ADI (i) confirm that it will no longer make those assertions; and (ii) notify all parties to which those assertions were made that the assertions are false and that Biolitec Group medical products can be purchased legally in the United States from the Group's medical distributor, Biolitec U.S., Inc., at the following contact information:

Biolitec U.S., Inc.
515 Shaker Road
East Longmeadow, MA 01028
Telephone: 800-321-0790
FAX: 413-525-0611
Email: info@biolitec.com

Please provide us with copies of such notice. The Non-Debtor Affiliates reserve all rights and remedies.

On a separate issue, we understand that ADI has purchased the draw towers located at CeramOptec Industries, Inc.'s building in East Longmeadow. CeramOptec Industries, Inc. hereby demands that ADI remove the draw towers as soon as possible. ADI's moving company should contact Brian Foley to arrange for access and resolve any logistical issues. Unless the towers are removed by September 6th, CeramOptec Industries, Inc. reserves its right to hold ADI liable for damages, including storage fees.

Finally, on the issue of the month to month tenancy at the Massachusetts premises, please note that by virtue of the Trustee's failure to timely assume or reject the lease by the August 20, 2013 deadline (see May 14, 2013 Order) (Docket No. 152)), the lease has been deemed rejected and the Trustee must immediately surrender the property. 11 U.S.C. § 365(d)(4) (providing that unexpired lease of nonresidential real property under which debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to lessor, if trustee does not timely assume or reject the unexpired lease). See also *In re Salzer*, 52 F.3d 708, 713 (7th Cir. 1995) ("[W]hen Salzer's bankruptcy was converted to a Chapter 7 on September 29, 1992, the trustee took no action to accept or reject the lease within sixty days. At that point, the lease was rejected [under previous version of § 365(d)(4)] and the leasehold surrendered to Stinson. This terminated the automatic stay [under section 365(d)(4)]."); *In re United West, Inc.*, 87 B.R. 138, 139-40 (Bankr. D. Nev. 1988) ("The debtor in the present case made no attempt to assume or reject its lease within the time prescribed by [previous version of] section 365(d). Accordingly, the lease was deemed rejected 60 days from the date of filing, *In re Southwest Aircraft Services, Inc.*, 831 F.2d 848 (9th Cir. 1987), and the Lessor was entitled to immediate possession of the premises. 11 U.S.C. § 365(d)(4). Contrary to the debtor's argument, it is irrelevant for purposes of section 365(d) that the debtor did not have a written lease or that it rented on a month-to-month basis. Pursuant to section 365(m) 'any rental agreement to use real property' constitutes a lease of real property for purposes of section 365. (emphasis added).").

Best,



Joseph J. DiPasquale, Esq.

Partner

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